

DOCKET NO.: 248362US8



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RE APPLICATION OF:

Shinzo OHKUBO, et al.

SERIAL NO: 10/767,370

GROUP: 2665

FILED: January 30, 2004

EXAMINER:

FOR: SENDING RADIO STATION, RECEIVING RADIO STATION, RADIO
COMMUNICATION SYSTEM, AND RADIO COMMUNICATION METHOD

LETTER

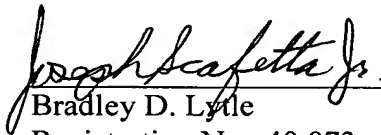
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is a European Office Action for the Examiner's consideration.

Respectfully Submitted,

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| | | |
|----------------------------------------|---------------|--------------------|
| Application No. 04 002 179.2 - 2412 | Ref. 21523 | Date 07.12.2006 |
| Applicant NTT DoCoMo, Inc. | | |

Communication pursuant to Article 96(2) EPC

The examination of the above-identified application has revealed that it does not meet the requirements of the European Patent Convention for the reasons enclosed herewith. If the deficiencies indicated are not rectified the application may be refused pursuant to Article 97(1) EPC.

You are invited to file your observations and insofar as the deficiencies are such as to be rectifiable, to correct the indicated deficiencies within a period

of 4 months

from the notification of this communication, this period being computed in accordance with Rules 78(2) and 83(2) and (4) EPC.

One set of amendments to the description, claims and drawings is to be filed within the said period on separate sheets (Rule 36(1) EPC).

Failure to comply with this invitation in due time will result in the application being deemed to be withdrawn (Article 96(3) EPC).



Falò, Luca
Primary Examiner
for the Examining Division

Enclosure(s): 3 page/s reasons (Form 2906)

| | |
|--------|----------|
| E1 | |
| E2 | 07.03.07 |
| Frist: | 07.04.07 |

notu

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| E1 | |
| E2 | 03.01.07 |
| Frist: | 18.01.07 |

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Datum
Date
Date 07.12.2006

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Feuille 1

Annexe Nr.:
Application No.: 04 002 179.2
Demande n°:

The examination is being carried out on the following application documents:

Description, Pages

| | | | | |
|---------------|---------------------|------------|----------------|------------|
| 55-61 | as originally filed | | | |
| 1-3, 3a, 4-54 | received on | 11.04.2006 | with letter of | 11.04.2006 |

Claims, Numbers

| | | | | |
|------------|-------------|------------|----------------|------------|
| 1, 2, 4, 7 | received on | 11.04.2006 | with letter of | 11.04.2006 |
|------------|-------------|------------|----------------|------------|

Drawings, Sheets

| | |
|------------|---------------------|
| 1/15-15/15 | as originally filed |
|------------|---------------------|

1. Reference is made to the amendments filed with letter dated 10.04.2006.
2. The Applicant is informed that, after careful reconsideration, the Examining Division is now of the opinion that the subject matter of Claim 1 is **not inventive** in the sense of Article 56 EPC vis a vis document D1.
While it is true that, as the Applicant points out, D1 only refers to synchronization among "repeaters", it is considered as being obvious for the skilled person to apply the same synchronization scheme to a base station, as the underlying technical problem is the same (e.g. to avoid interferences among a group of fixed radio stations).

The Applicant also argues that the method of D1 is applied for synchronization among radio stations belonging to the same system whereas in Claim 1 synchronization is performed among base stations belonging to different systems;



hence the technical problem solved is different.

However, it is also noted that in Claim 1 the technical problem of synchronizing with radio stations belonging to another system is simply solved by detecting signals pertaining to another system and deriving synchronization information from said signal. As nothing is said as to how said information is derived, or as to how a signal pertaining to another system can be detected, the subject matter of Claim 1 appears to be merely an application, to a inter-system synchronization, of the intra-system synchronization of D1, especially considering that also in D1 synchronization information is derived, at least in part, from signal belonging to another radio station (albeit belonging to the same system): see Col. 6, lines 11-17.

3. However, it is also noted that the feature of Claim 2 regarding setting up a communication frequency orthogonal with respect to that one of the detected signal is not disclosed nor made obvious by D1. In fact, in D1 communication is performed on the basis of predetermined hopping sequences orthogonal to each other, and only certain "synchronization parameters" are adjusted.
It is therefore suggested that the respective independent Claims 1, 4 and 7 be amended to include the features of Claim 2.
4. For the sake of clarity, the Claims should be properly renumbered (Claims 3, 5 and 6 are missing).
5. The amendments to the description should be made based on the application as filed, and not as published.
6. When filing amended Claims the applicant should at the same time bring the description into conformity with the amended Claims (Rule 27(1)(c) EPC). Care should be taken during revision, especially of the introductory portion and any statements of problem or advantage, not to add subject-matter which extends beyond the content of the application as originally filed (Article 123(2) EPC).
7. In order to facilitate the examination of the conformity of the amended application with the requirements of Article 123(2) EPC, the applicant is requested to clearly identify the amendments carried out, irrespective of whether they concern



Bescheld/Protokoll (Anlage)

Communication/Minutes (Annex)

Notification/Procès-verbal (Annexe)

Datum
Date 07.12.2006
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Sheet 3
FeuilleAnnex-Nr.:
Application No.: 04 002 179.2
Demande n°:

amendments by addition, replacement or deletion, and to indicate the passages of the application as filed on which these amendments are based (see the Guidelines, E-II, 1).